

PLANNING AND ZONING BOARD
SEPTEMBER 12, 2001

1. ROLL CALL

The meeting was called to order at 7:05 p.m. Board members present were Chair Jay Stahl, Vice-Chair Mike Bender, Edna Moore, Mimi Turin, and Bob Waitkus. Also present were Town Attorney Monroe Kiar, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting.

2. PLAT

2.1 P 6-2-01, Harmony Village Community, 7575 Davie Road Extension (RM-10)

Dawn Sonneborn and Grant Duncan, representing the petitioner, were present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval subject to the condition as outlined in the report).

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to approve. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - yes. **(Motion carried 5-0)**

3. PUBLIC HEARING

Special Permit

3.1 SE 6-2-01, FMC Telecommunications, Inc./Cassidy, 6045 SW 45 Street (B-2)

Neal Kalis and Frank Cassidy, representing the petitioner, were present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Mr. Kalis provided a history of the development of the property and explained how Broward County's vacation of a previously dedicated 55 foot right-of-way easement on Orange Drive caused a change in building plans and necessitated an amendment to the special permit. He stated that approval letters had been obtained from three of the five agencies utilizing the easement and that when all five were received, he would process the vacation of the right-of-way and site plan approval almost simultaneously. Mr. Kalis reaffirmed the commitment which had been represented in the original application process for the special permit. He clarified that the amendment was a request for approval of a monopole, not to exceed 75 feet, and would be used to provide wireless Internet service.

Mr. Kalis and Mr. Cassidy answered questions to provide more information and better explanations of what was involved.

Chair Stahl indicated that he had passed the site on his route to work and would reserve his comments until after the public hearing. He asked if anyone wished to speak for or against this item.

Jason Curtis, 3801 Flamingo Road, indicated that if the tower was for the residents of Davie, then it would have to be for cellular use.

As there were no other speakers, the public hearing was closed.

Chair Stahl asked that Mr. Kalis address Mr. Curtis' remark. Mr. Kalis explained that the monopole would be used for "high speed Internet" only and would be useful in situations for emergency services.

Ms. Turin inquired if there had been a request made by the Town for such service. Mr. Kalis clarified that he had approached the Town to advise of this service and that the Town had expressed an interest in the concept. Mr. Cassidy expounded on the technicalities of providing wireless services. Upon Chair Stahl's inquiry, he clarified why it would not be prudent to use space on an existing tower as the need to "run a wire connection" at other sites could become a "point of failure."

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Vice-Chair Bender inquired on the distance from the pole to the nearest residence. Mr. Cassidy estimated that the nearest resident on 61st Avenue was about 1,000 feet away and he emphasized that there was no radiation from the proposed monopole and that it was authorized by the FCC to be placed anywhere because it was a "non licensed frequency bank."

Ms. Turin questioned if the tower would be used for cellular purposes. Mr. Cassidy indicated that he had no intention to be in the cellular business and that the monopole would not be used for that purpose. Based on that statement, Chair Stahl asked if the petitioner was willing to voluntarily restrict the use to high speed Internet access. Mr. Cassidy indicated that that would not be a problem.

Vice-Chair Bender made a motion, seconded by Ms. Moore, to approve the special permit subject to the new antenna being used only for wireless Internet service and subject to all the conditions and representations of the initial special permit SE 3-1-99. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - no. **(Motion carried 4-1)**

4. OLD BUSINESS

Vice-Chair Bender reported that the Town was in the process of acquiring new public notification signs. He detailed the dimensions and indicated that a sample would be presented to the Town Council for its opinion.

Chair Stahl advised that Marooney Toyota had removed the signs that he was concerned about and stated that he appreciated staff's efforts.

Mr. Waitkus apprised the Board of the progress made regarding the cleaning of the brick pavers along Davie Road.

5. NEW BUSINESS

Chair Stahl advised that he had informed staff that the next scheduled meeting would be on the first night of Yom Kippur. Mr. Gratz indicated that he had conferred with the applicants who had indicated that they would prefer not to meet on that date. He, therefore, moved the items and did not advertise for that date in order to postpone the meeting.

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 7:45 p.m.

Date Approved _____

Chair/Board Member